

**Remarks**

Claims 1-12, 15-16, and 23-25 are pending.

Claims 23-25 are new.

Claims 13 and 17-22 are cancelled.

Claim 1 is amended to claim that the claimed first and second broadcast channel are the same transmission modality. That is, the broadcast channels are broadcasted a part of a terrestrial transmission, satellite transmission, or a cable transmission. Support for this amendment is found in the specification on page 4, lines 11-28, Fig. 5, and in other places.

Claim 1 is also amended to incorporate dependent Claim 5 use of geographical information.

Claim 4 is amended to eliminate a cancelled antecedent basis.

Claim 5 is amended to clarify that the claimed geographical information is downloaded from a remote head-end. The aspect of the downloading of information from a remote head-end existed as part of the originally filed claim.

Claim 8 is amended that the claimed first and second transmission channel carrier frequency use the same broadcast modality. That is, the broadcast modalities used to transmit the first and second channels are part of a terrestrial broadcast, satellite broadcast, or a cable broadcast. Support for this amendment is found in the specification on page 4, lines 11-28, Fig. 5, and in other places. Claim 8 is also amended to fix the objection made to by the Examiner.

Claim 8 is also amended to incorporate the claimed geographic information claimed on formerly dependent Claim 13 that is now cancelled.

Claim 14 is amended to clarify that programs transmitted over the first and second broadcast channels are local broadcasts. Support for this amendment is found in the specification on page 4, lines 19-38, and Figs. 1-2, and in other places.

New Claim 23 is added to claim an embodiment of the invention where programming is available through different sources over the Internet (see specification on

during said searching step". The specification supports that channel guide information is updated periodically (see specification page 6, lines 4-9). Also, the specification supports that a search continues until such a search is turned off (see specification, page 8, lines 3-18).

Applicants request the Examiner remove the rejection to Claims 13-15 for the reasons cited above.

**35 U.S.C. §102 Rejection of Claims 1 and 4**

The Examiner rejected Claims 1 and 4 under 35 U.S.C. 102(e) as being anticipated by Byrne et al. (U.S. Patent # 5,990,883 hereafter referred to as 'Byrne'). Applicants disagree with this ground of rejection.

Claim 1 as amended clarifies that the selection of a second broadcast channel causes the decoder to acquire a program from a first broadcast channel. In contrast, Byrne discloses that if a program is being broadcasted on a first broadcast or a second broadcast channel, the program will be received on the channel selected by a user (Byrne, col. 5, lines 6-25). Hence, the claimed channel substitution is not disclosed or suggested in Byrne. In addition, Byrne does not disclose or suggest the step of performing such a substitution in view of "geographical information".

For the reasons given above, for Claim 1, Applicants request that the Examiner remove the rejection to Claim 1. In addition, the Applicants request that the Examiner remove the rejection to dependent Claim 4 that depends on allowable Claim 1.

**35 U.S.C. §102 Rejection of Claims 8-12 and 15-16**

The Examiner rejected Claims 8-12 and 15-16 under 35 U.S.C. 102(e) as being anticipated by Tsukidate et al. (U.S. Patent # 6,414,720 hereafter referred to as 'Tsukidate'). Applicants disagree with this ground of rejection.

As amended, Claim 8 claims "geographical criteria are used for said substitution step". This claimed element is neither disclosed nor suggested in Tsukidate.

The Examiner in the rejection to Claim 13, now incorporated as part of Claim 8, combined Tsukidate with Un et al. (U.S. Patent 6,040,850, hereafter referred to as 'Un') to anticipate the claimed geographical criteria. Specifically, the Examiner wrote in the Office Action that "geographic information (tables created for each time zone (geographic information) [are] mapped by the corresponding descriptor 24A)," (Office Action, page 16, sixth paragraph).

Specifically, Un discloses a problem regarding the transmission of program guide information over a DVB-SI system. The invention introduces the concept of transmitting Event Information Tables (EIT) for each time zone, because the typically DVB-SI system uses one packet number for the transmission of guide information (Un, col. 4, lines 19-29). This use of one packet number makes the typical DVB-SI system inefficient because the system receiving the program guide information must either store and/or process program guide information that is not used by the receiving device. This inefficiency of a DVB-SI system has nothing to do with the channel substitution of Tsukidate. Hence, one skilled in the art would not be motivated to combine Tsukidate with Un in the manner suggested by the Examiner.

More importantly, there is nothing either in Tsukidate or Un, alone or in combination, that suggests that "geographic information is used for said substitution step" as claimed in Claim 8. That is, that geographic information is used for determining what alternative program from a second channel to select "in response to predetermined criteria". Moreover, there is nothing in either Tsukidate or Un, which disclose or suggest how the EIT for each time zone are capable of being used as "geographical criteria" for performing the claimed substitution step as claimed in Claim 8.

For the reasons given above, Applicants request the Examiner remove the rejection to Claim 8. In addition, the Applicants request that the Examiner remove the rejection to Claims 9-12 and 15-16, as these claims depend on allowable Claim 8.

**35 U.S.C. §103 Rejection of Claim 2**

The Examiner rejected Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of Ozkan et al (U.S. Patent # 6,115,074, hereafter referred to as 'Ozkan'). Applicants disagree with this ground of rejection.

For the reasons given above, Applicants request that the Examiner remove the rejection to Claim 2, as this claim depends on allowable Claim 1.

**35 U.S.C. §103 Rejection of Claim 3**

The Examiner rejected Claim 3 under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of Ozkan and further view of Tsukidate. Applicants disagree with this ground of rejection.

For the reasons given above, Applicants request that the Examiner remove the rejection to Claim 3, as this claim depends on allowable Claim 1.

**35 U.S.C. §103 Rejection of Claims 5 and 6**

The Examiner rejected Claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of Tsukidate. Applicants disagree with this ground of rejection.

For the reasons given above, Applicants request that the Examiner remove the rejection to Claims 5 and 6, as these claims depend on allowable Claim 1.

**35 U.S.C. §103 Rejection of Claim 7**

The Examiner rejected Claim 7 under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of Tsukidate and further view of Ozkan. Applicants disagree with this ground of rejection.

For the reasons given above, Applicants request that the Examiner remove the rejection to Claim 7, as this claim depends on allowable Claim 1.

**35 U.S.C. §103 Rejection of Claim 14**

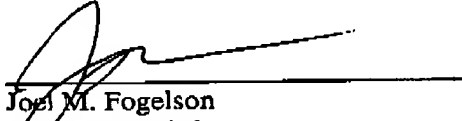
The Examiner rejected Claim 14 under 35 U.S.C. 103(a) as being unpatentable over Tsukidate and in view of Eyer et al. (U.S. Patent 6,160,545, hereafter referred to as 'Eyer'). Applicants disagree with this ground of rejection.

For the reasons given above, Applicants request that the Examiner remove the rejection to Claim 14, as this claim depends on allowable Claim 8.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

A \$450 fee a two-month extension is owed in connection for this amendment/response with a fee for \$200.00 for a new independent claim. Please charge deposit account 07-0832 for these fees, and for any other fees owed in connection with this paper.

Respectfully submitted,

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